

ASSESSMENT REPORT

Commercial and Retail Development – Mount Street, North Sydney MP 08_0241 MOD 6

1. INTRODUCTION

This report is an assessment of a request to modify the Concept Approval MP08_0241 for a commercial and retail development at 86-96 and 100 Mount Street, North Sydney.

The request has been lodged by Urbis on behalf of Laing O'Rourke Mount Street Australia Pty Ltd (the Proponent) pursuant to section 75W of the *Environmental Planning and Assessment Act 1979* (EP&A Act). It seeks approval to: provide additional plant, lift overruns and services above the approved parapet level; make changes to Level 35 to provide an outdoor terrace and space for functions and meetings; relocate mechanical plant equipment at Level 36; make minor changes to ground floor entry stairs; and redistribute the visitor bicycle parking spaces.

2. SUBJECT SITE

The subject site is located at 86-96 and 100 Mount Street in the centre of North Sydney CBD. It is bound by Spring Street to the North, Walker Street to the east and Mount Street to the south. An existing office tower adjoins the western boundary of the site. The closest residential property to the site (Beau Monde Apartments at 77 Berry Street) is located approximately 130 metres north of the site. The site is located 500 metres north of North Sydney Station (refer to **Figures 1 and 2**).



Figure 1: Site location(Source: Google maps).



Figure 2: Aerial view of the site and its immediate surrounding context (Source: Nearmap)

The site was previously occupied by two mixed use commercial and retail buildings. Site preparation works have commenced, including the demolition of the original buildings.

3. APPROVAL HISTORY

On 25 May 2010, the then Minister for Planning granted Concept Approval (MP 08_0241), for:

- demolition of both the existing buildings on the site;
- construction and use of a 38 storey commercial and retail building;
- excavation for 5 levels of basement providing a maximum of 97 car parking spaces;
- vehicular access and loading docks via Spring Street; and
- the construction of a through-site pedestrian link with associated public domain works.

The Concept Approval was approved in project detail subject to conditions. As such, no further environmental assessment is required, pursuant to section 75P(1)(c) of the EP&A Act.

The proposal has been modified on five occasions, as outlined in **Table 1** below:

Table 1: Previous modifications (MP 08_0241)

Number	Details	Date
MOD 1	Increase of 6,334 m ² ground floor area (GFA) (to a total of 45,067 m ²), additional 16 car parking spaces (to a total of 113) and new basement parking level, revised vehicular access and internal and external amendments to the building, determined by the Department under delegation.	16 February 2012
MOD 2	Internal and external amendments to the building and the public domain design, increase of 472 m ² GFA (to a total of 45,539 m ²), amendments to the ground, lower ground and basement level layouts, reduction of 1.7 metres in overall maximum building height (to max RL 198), increase roof level by 2 metres (to max RL 196.7), and provision of a roof terrace at Level 34, determined by the Department under delegation.	10 October 2014
MOD 3	Extension to the lapsing date of the approval to 21 January 2020, determined by the Department under delegation.	21 January 2015
MOD 4	Increase of 1.7 metres in building height (to max RL 199.7), increase GFA by 820 m ² (to a total of 46,359 m ²), increase the number of car,	23 March 2016

Number	Details	Date
	motorcycle and bicycle spaces and other internal and external amendments to the building, determined by the Department under delegation.	
MOD 5	Increase in GFA from 46,359 sqm to 47,186 sqm; reconfiguration of basement level layouts; extend hours of construction and demolition; increase height of roof plant (to RL 203.1) and other internal and external amendments, determined by the Planning Assessment Commission under delegation.	13 January 2017

4. PROPOSED MODIFICATION

The Proponent lodged a section 75W modification request (MP 08_0241 MOD 6) seeking approval to provide additional plant, lift overruns and services above the approved parapet level; make changes to Level 35 to provide an outdoor terrace and space for functions and meetings; relocate mechanical plant equipment at Level 36; make minor changes to ground floor entry stairs; and redistribute the visitor bicycle parking spaces. A summary of the proposed modifications and design parameters is provided in **Tables 2** and **3** below.

Table 2: Summary of proposed modifications

Changes to Floor Layout	<u>Ground Level</u> • Increase width of north and south entry stairs; <u>Level 34</u> • delete the internal stair and lift connecting levels 34 and 35; <u>Level 35</u> • change floor plan to incorporate an outdoor terrace and provide a new multi-function space; • changes to building service areas; <u>Level 36</u> • changes to building services including mechanical, electrical, fire and hydraulic; <u>Level 37 (Roof Level)</u> • provide lift motor rooms; and • relocate building maintenance unit (BMU) and building services including mechanical, electrical, fire and hydraulic services.
Bicycle Parking	• Redistribute the visitor bicycle parking, including: – retention of 12 visitor bicycle parking spaces adjacent to the Mount Street entrance; and – relocation of 26 visitor bicycle parking spaces within the basement on Level B2.
Building Facade	The proposed modifications include minor change to the façade at the top level of the building to accommodate the building services and lift overrun at Level 37.

The proposal would result in the following changes to the design parameters:

Table 3: Summary of changes to the Design Parameters

Design Parameter	Proposed Modification
Gross Floor Area	• Increase of GFA from 47,186 m² to 47,450 m² (additional 264 m²). • The increase in GFA arises from the changes at Level 35 to create the new multi-function space and its associated facilities.
Building Height	• The main parapet height of RL 199.7 remains unchanged. • The approved height of the roof level plant (RL 203.1) also remains unchanged, but the plant level is enlarged to incorporate stairs and lift motor rooms and is relocated from the centre of the building to its western edge.

Key proposed changes are shown at **Figures 3** to **6** below.

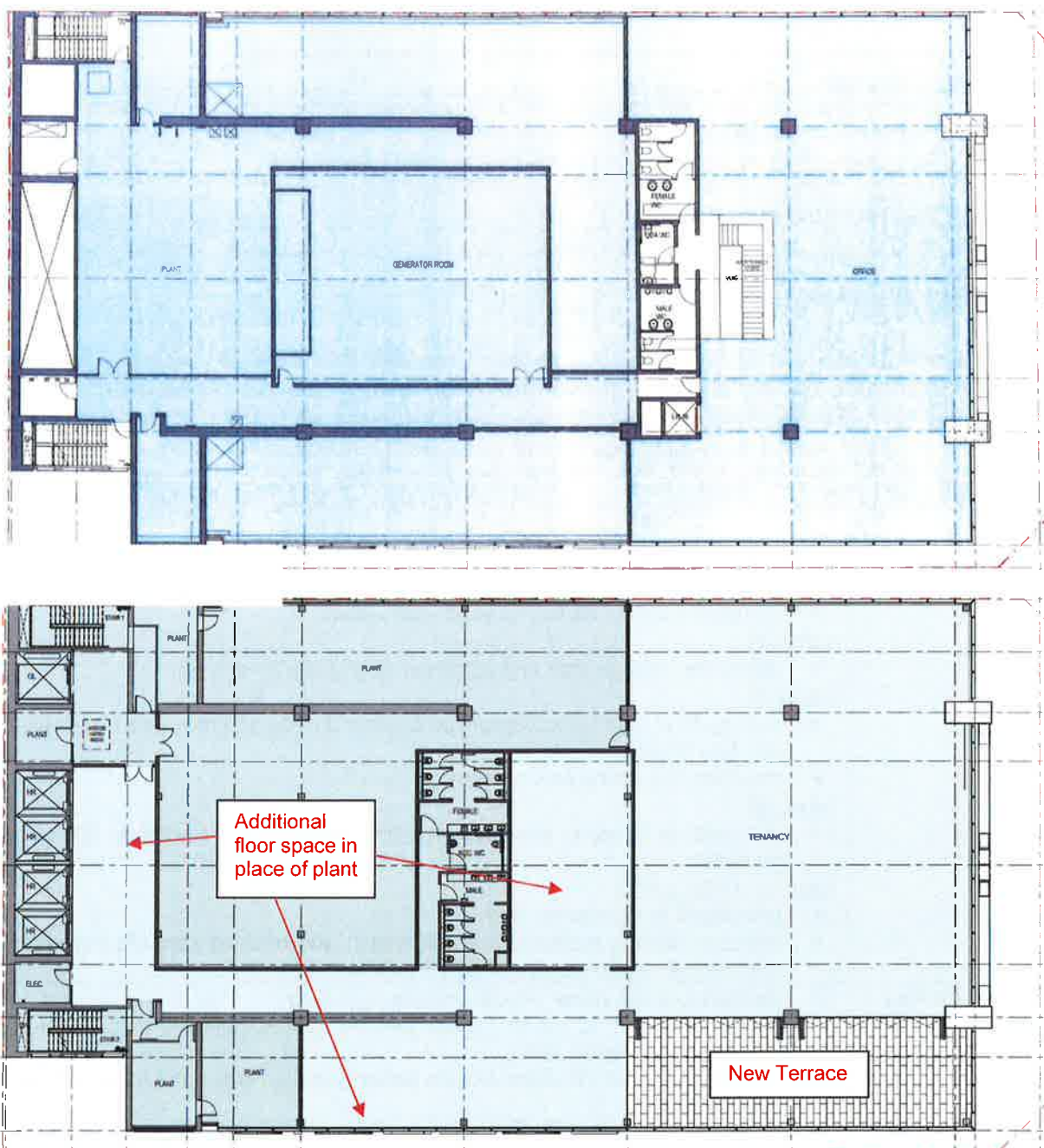


Figure 3: Level 35 floor plan - approved (above) and proposed (below). (Source: approved and proposed plans)

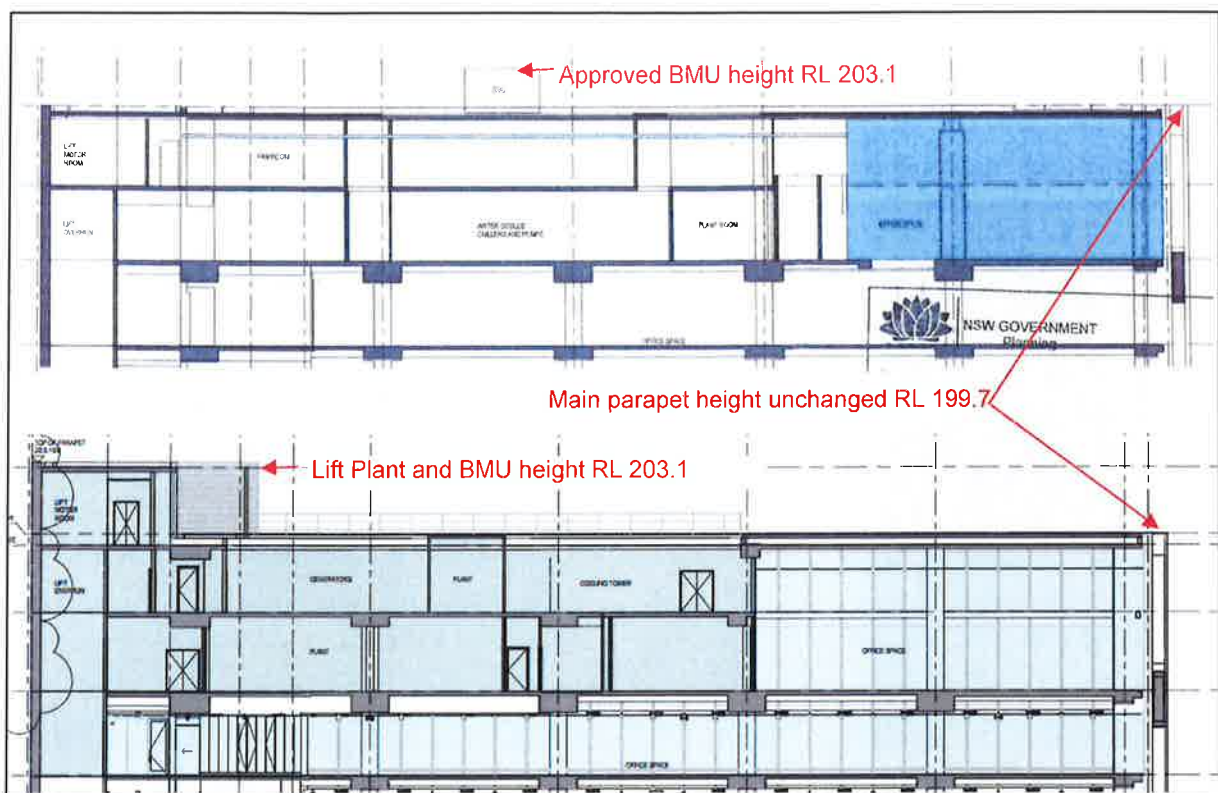


Figure 4: Roof level sections - approved (above) and proposed (below). (Source: approved and proposed plans).

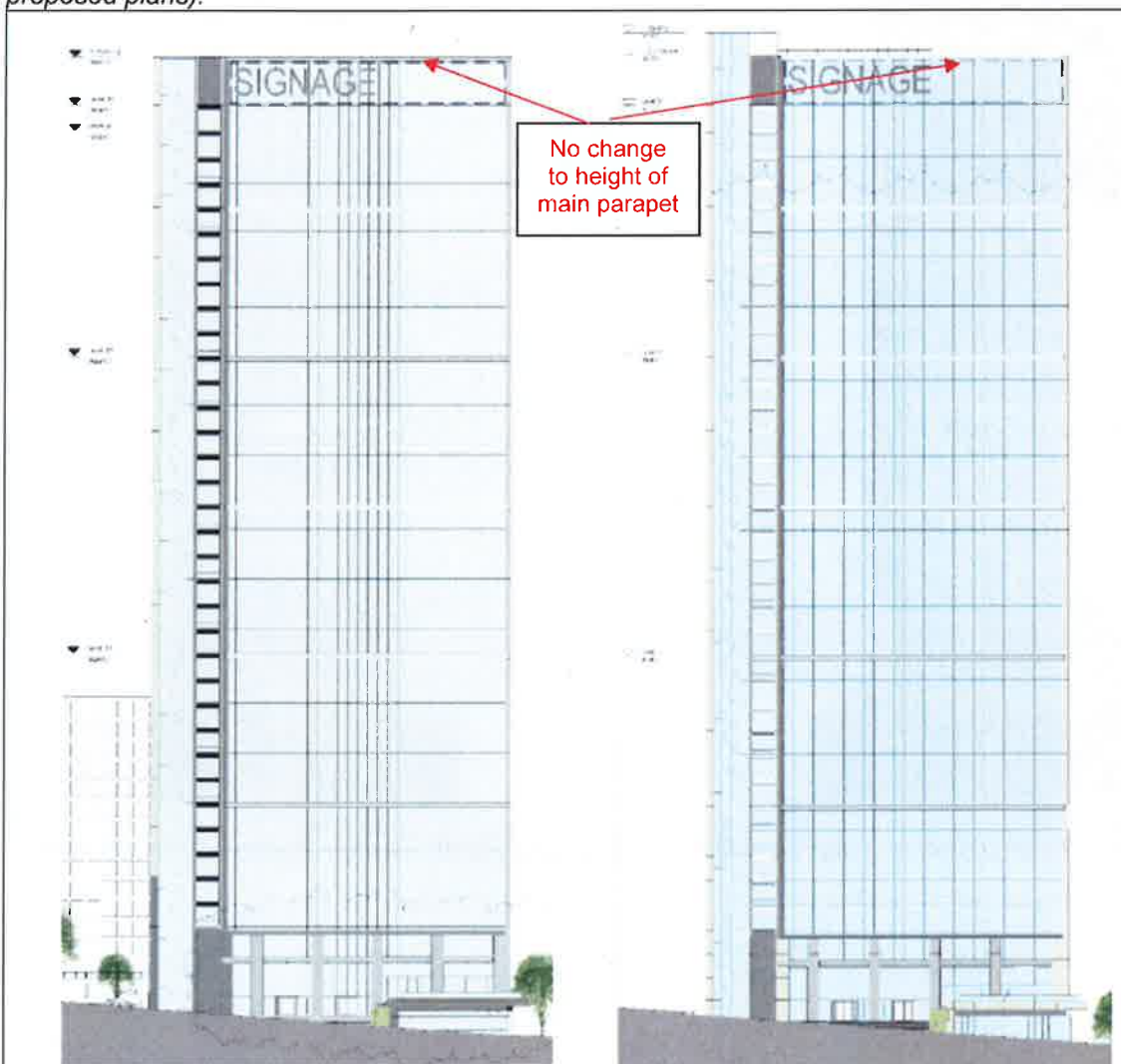


Figure 5: Southern elevation - approved (left) and proposed (right). (Source: approved and proposed plans)

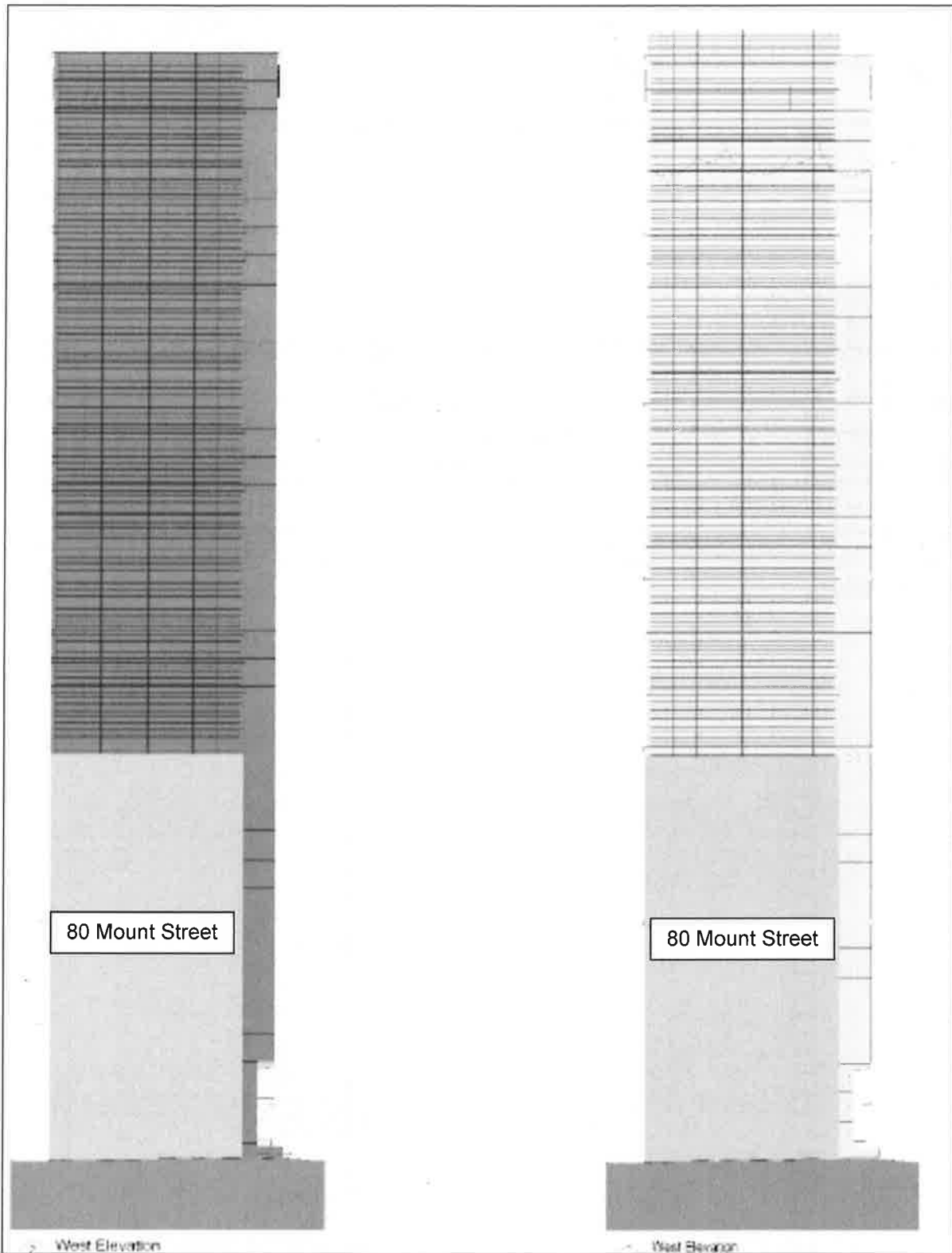


Figure 6: Western elevation - approved (left) and proposed (right). (Source: Approved and proposed plans).

5. STATUTORY CONSIDERATION

5.1 Section 75W

The project was originally approved under Part 3A of the EP&A Act. Although Part 3A was repealed on 1 October 2011, the project remains a 'transitional Part 3A project' under Schedule 6A of the EP&A Act, and hence any modification to this approval must be made under the former section 75W of the Act.

The Department of Planning and Environment (the Department) is satisfied the proposed changes are within the scope of section 75W of the EP&A Act, and do not constitute a new application.

5.2 Approval authority

The Minister for Planning is the approval authority for the application. However, in accordance with the Minister's delegation signed 16 February 2015, the Executive Director Key Sites and Industry Assessments, may determine the application under delegation as:

- the relevant local Council does not object to the proposal;
- a political disclosure statement has not been made; and
- there are less than 25 submissions in the nature of an objection.

6. CONSULTATION

The modification request was made publicly available on the Department's website, referred to North Sydney Council (Council) and government agencies for comment and letters were sent to adjoining owners/occupiers.

Council raised no objection to the proposal, noting the additional floorspace would attract additional section 94 and railway infrastructure contributions.

RMS raised no objection to the proposal.

One (1) **public** submission in objection was received from the residents at the neighbouring Beau Monde building (130 m to the north). The key concerns raised include:

- excessive height, bulk and scale;
- amenity impacts in terms of loss of solar access, views, increased overlooking and sense of enclosure;
- increased traffic generation and impact on local road network; and
- overdevelopment and setting of an undesirable precedent for the future development of other sites.

The Proponent provided a Responses to Submissions (RtS) and further information in response to the issues raised in the public submission (**Appendix B**).

7. ASSESSMENT

The Department, in undertaking its assessment of the proposed modifications, has taken into account the issues raised in submissions and the responses provided by the proponent, has identified several key assessment issues. The key assessment issues are considered in **Table 4** below.

Table 4: Assessment of key issues

Issue	Consideration	Recommendation
<i>Additional roof level plant and services</i>	- The proposed modification seeks to increase the extent of roof level plant and services, with the enlarged plant and service area re-located to the western edge of the building. - Concern is raised in the public submission that the proposal would exacerbate the non-compliance with Council's height controls, set an undesirable precedent for other building sites and result in amenity impacts in terms of loss of solar access, views, increased overlooking and sense of enclosure. - Council have raised no concern with the proposed roof level changes. - The Department notes a maximum height control of RL 195 applies to the site under North Sydney Local Environmental Plan 2013 (NSLEP 2013), however roof level plant to a height of RL 203.1 has already been approved on the site. The proposal does not seek to increase the maximum building height in this regard. - The Department acknowledges the enlarged and relocated service area would be more readily visible than the existing approved roof level plant. However, the Department is satisfied that the proposal would not result in any unacceptable impacts, noting that: - the revisions relate only to a small section at the western edge of the building and incorporate the approved façade materials and finishes so that as viewed from the street level and from other vantage points, the change to the overall appearance of the building would be minor and not readily discernible; - as viewed from the Beau Monde Building, the proposed changes to the western edge of the site are likely to be obstructed from view by an approved new development at 1 Denison Street, located between the two sites; - as a separation of 130 metres exists between the site, and the Beau Monde Building, the proposed minor changes would not result in any unacceptable amenity impacts in terms of loss of solar access, views, increased overlooking or sense of enclosure; - shadow diagrams indicate that the proposed changes would not result in any additional overshadowing of residential dwellings or material impacts to public domain areas; - a wind report submitted with the modification demonstrates that proposed minor changes would have a negligible impact on the pedestrian level wind conditions; and - the building form would continue to be compatible with the dense commercial built form context of the North Sydney CBD. - The Department is therefore satisfied the proposed minor changes to the roof level plant are acceptable in this case.	No additional conditions or amendments necessary.
<i>Increase in Gross Floor Area</i>	- The proposed modification would result in an increase of GFA from 47,186 m² to 47,450 m² (additional 264 m² or 0.5%). - The increase in GFA is a result of the provision of a multi-function space and its associated facilities on the new Level 35 in place of plant. - No objection was raised by Council regarding the proposed increase in GFA. - Concerns were raised in the public submission that the proposed increase in GFA would exacerbate the bulk and scale of the building. - The Department has considered the proposed increase in GFA and is satisfied the proposal is acceptable on the basis that:	The Department has recommended modified conditions relating to monetary contributions (conditions B5 and B6).

<i>Issue</i>	<i>Consideration</i>	<i>Recommendation</i>
	- the additional floor space is contained wholly within the approved building envelope, and does not affect the overall bulk and scale; - the only external changes relate to the roof level plant which do not form part of the GFA, and as assessed above, these changes do not result in any unacceptable impacts; - the proposed increase in GFA generates a requirement for additional section 94 and railway infrastructure contributions and the Proponent has agreed to the additional contributions in accordance with Council's requirements. Amendments to the relevant conditions have been accordingly recommended; and - there would be no significant adverse traffic impacts as a result of the increased floor space (see discussion below).	
<i>Visitor bicycle parking and ground level changes</i>	- Modification 2 approved 38 outdoor visitor bicycle spaces with 28 in the southwest corner and 10 in the northwest corner of the site. - The proposed modification seeks to redistribute the bicycle parking maintaining a total of 38 visitor bicycle spaces (as approved) with 12 bicycle spaces at ground level on the southern side of the building adjacent to Mount Street and 26 spaces at Basement 2. - The Proponent advises the redistribution of the bicycle parking is the result of design development and competing requirements of the bicycle parking provision, pedestrian access requirements and wheelchair access. In particular, the northern and southern stairs to the building entry have been widened to fully integrate into the public domain footpath levels to improve the arrival experience of the building users. The changes limit the amount of space available for ground level bicycle parking. - Council raised no objection to the redistribution of spaces, but recommend directional signage to assist with way finding to and from the visitor bicycle parking provided on site. A condition requiring this signage is included in the recommended modified consent. - The Department considers that, subject to appropriate signage to assist visitors to locate the bicycle parking, the location of some visitor bicycle parking at the basement is acceptable.	Condition B40 is proposed to be modified to reflect the redistribution of visitor bicycle spaces and provision of adequate directional signage.
<i>Traffic and Car Parking Impacts</i>	- The Proponent advises the additional GFA on level 35 is for a multi-function space, and there will be no additional traffic generation from the proposal and no requirement for additional parking. - RMS and Council raised no concerns with the proposed modifications. - The Department notes the proposal complies with Council's parking controls, which set a maximum rate for non-residential uses, and are aimed at reducing traffic movements within the centre. - The Department is satisfied the proposal would not result in any significant additional traffic impacts in the local streets.	No additional conditions or amendments necessary.

8. CONCLUSION

The Department has assessed the modification application and supporting information, as well as taken into consideration issues raised in submissions and the Proponent's responses raised in accordance with the relevant requirements of the EP&A Act.

The Department's assessment concludes that the proposed modification is appropriate on the basis that:

- it would not result in a significant change to the external appearance of the building and the overall bulk and scale of the development would remain similar to that already assessed and approved;
- there would be no change to the overall maximum approved height of the building;
- it would not create any unacceptable amenity impacts on the surrounding area;
- it would provide an appropriate balance between accessible visitor bicycle parking and accessible pedestrian entry;
- there would be no unacceptable traffic impacts on the local streets; and

Consequently, it is recommended the modification is able to be approved, subject to conditions.

9. RECOMMENDATION

It is recommended that the Executive Director Key Sites and Industry Assessments, as delegate of the Minister for Planning:

- **considers** the findings and recommendations of this report, noting that the Department considers that the modification is approvable, subject to conditions;
- **determines** that the proponent's request is a modification under section 75W of the EP&A Act;
- **approves and signs** the attached notice of modification.

Prepared by:
Thomas Mithen (Consultant Planner)



Natasha Harras
Acting Director
Modification Assessments

Anthea Sargeant
Executive Director
Key Sites and Industry Assessments

APPENDIX A: NOTICE OF MODIFICATION

A copy of the notice of modification can be found on the Department's website at:

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=08_0241

APPENDIX B: SUPPORTING INFORMATION

The following supporting documents and supporting information to this assessment report can be found on the Department of Planning and Environment's website as follows:

1. Modification request

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=08_0241

2. Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=08_0241

3. Response to Submissions

http://majorprojects.planning.nsw.gov.au/index.pl?action=view_job&job_id=08_0241